

Issue Paper Number 99-029



BOARD OF EQUALIZATION
KEY AGENCY ISSUE

<input type="checkbox"/>	Board Meeting
<input type="checkbox"/>	Business Taxes Committee
<input type="checkbox"/>	Customer Services Committee
<input type="checkbox"/>	Legislative Committee
<input checked="" type="checkbox"/>	Property Tax Committee
<input type="checkbox"/>	Technology & Administration Committee
<input type="checkbox"/>	Other

PROPERTY TAX RULES 302, 305.5, 307, 308, 308.5, 308.6, 310, 311, 312, 316, 318, 319, 320, 322, 323, 324, 325, AND 326

I. Issue

Should the Board adopt a Notice to Publish amendments to the California Code of Regulations, Property Tax Rules 302, 305.5, 307, 308, 308.5, 308.6, 310, 311, 312, 316, 318, 319, 320, 322, 323, 324, 325, and 326?

II. Staff Recommendation

Staff recommends that the attached proposed amendments of Property Tax Rules 302, 305.5, 307, 308, 308.5, 308.6, 310, 311, 312, 316, 318, 319, 320, 322, 323, 324, 325, and 326 be authorized for publication and submitted to the Office of Administrative Law for publication in the California Regulatory Notice Register.

III. Other Alternative(s) Considered

None

IV. Background

Under Government Code section 15606, subdivision (g), the Board is given authority to prescribe rules and regulations to govern local boards of equalization when equalizing and assessors when assessing. Accordingly, staff was directed to review and revise sections of Title 18 of the California Code of Regulations, Subchapter 3, Local Equalization Property Tax Rules 301 through 326. Many of these rules have not been amended since their adoption in 1967.

Consistent with this direction, staff drafted revisions to Property Tax Rules 302, 305.5, 307, 308, 308.5, 308.6, 310, 311, 312, 316, 318, 319, 320, 322, 323, 324, 325, and 326 and disseminated the drafts to interested parties for comments and suggestions.

Additional Local Equalization Property Tax Rules will be discussed at the October 1999 Property Tax Committee meeting.

V. Staff Recommendation

A. Description of the Staff Recommendation

Property Taxes Department and Legal Division staff drafted the attached proposed amendments or repeal of Property Tax Rules 302, 305.5, 307, 308, 308.5, 308.6, 310, 311, 312, 316, 318, 319, 320, 322, 323, 324, 325, and 326 after seeking input from the California Association of Clerks and Election Officials, the California Clerk of the Board of Supervisors Association, California Assessors' Association, County Counsels' Association of California, industry representatives, and the Board's Taxpayers' Rights Advocate staff. Board staff attended the Central Regional Conference of the California Assessors' Association in Modesto to participate in a panel discussion regarding this revision project. In addition, staff attended both the County Counsels' Association Taxation Section Conference in Monterey and the Eagle's Lodge West 1999 Conference in Rohnert Park to participate in discussions concerning the proposed amendments to these rules.

After receiving comments and requests from interested parties to make additional changes to the proposed revisions, a second draft was prepared. On June 2, 1999, staff held a meeting in Sacramento with interested parties to reach an agreement on the language and issues of the proposed revisions. Agreement was reached on all items in the attached 18 rules either at the meeting or during subsequent discussions with interested parties.

B. Pros of the Staff Recommendation

The proposed amendments or repeal of Property Tax Rules 302, 305.5, 307, 308, 308.5, 308.6, 310, 311, 312, 316, 318, 319, 320, 322, 323, 324, 325, and 326 represent the efforts of property tax practitioners, clerks of the board, assessors, and county counsels. This revision process involved an extensive endeavor to involve all interested parties. The drafts incorporate staff's position, interested parties'

concerns, recent statutory changes, and applicable judicial rulings. Enactment of the proposed amendments will promote uniformity within the assessment appeals process throughout California.

C. Cons of the Staff Recommendation

There have been recent legislative proposals that could have a significant influence on some or all of Property Tax Rules 302, 305.5, 307, 308, 308.5, 308.6, 310, 311, 312, 316, 318, 319, 320, 322, 323, 324, 325, and 326. It may be necessary in the future to further revise these rules to accommodate additional statutory changes.

D. Statutory or Regulatory Changes

Action by the Board on the attached Property Tax Rules will amend Title 18 of the California Code of Regulations, Subchapter 3, Sections 302, 305.5, 307, 308, 308.5, 308.6, 310, 311, 312, 316, 318, 319, 320, 322, 323, 324, 325, and 326.

E. Administrative Impact

None

F. Fiscal Impact

1. Cost Impact

None

2. Revenue Impact

None

G. Taxpayer/Customer Impact

Amendments of Property Tax Rules 302, 305.5, 307, 308, 308.5, 308.6, 310, 311, 312, 316, 318, 319, 320, 322, 323, 324, 325, and 326 will affect administrative procedures for the assessment appeals process at the county level and the functions of the clerks of the appeals boards, appeals board members, county assessors, county counsels, and each taxpayer seeking a reduction in assessment of his or her property's value.

H. Critical Time Frames

The normal assessment appeals filing period is from July 2 through September 15 of each year. In order for the amendments of Property Tax Rules 302, 305.5, 307, 308, 308.5, 308.6, 310, 311, 312, 316, 318, 319, 320, 322, 323, 324, 325, and 326 to be adopted and effective for the filing period beginning July 2, 2000, the Board

should adopt a Notice to Publish amendments to the rule at its meeting on July 1, 1999.

VI. Alternative 1

Not applicable.

Prepared by: Property Taxes Department; Policy, Planning, and Standards Division

Current as of: June 11, 1999